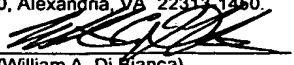
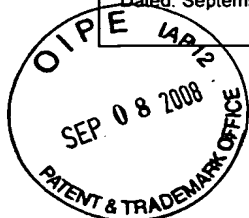


I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 3, 2008 Signature: 

(William A. Di Bianca)



Docket No.: SPINE 3.0-437 CIPCIPCIPCIPCIPCON V
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Errico et al.

Application No.: 10/784,629

Group Art Unit: 3733

Filed: February 23, 2004

Examiner: N. W. Woodall

For: INSTRUMENTATION FOR MANIPULATING
ARTIFICIAL INTERVERTEBRAL DISC
TRIALS HAVING A CYLINDRICAL
ENGAGEMENT SURFACE

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONSIDERATION OF INFORMATION UNDER 37 CFR § 1.97 (C)

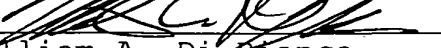
Dear Sir:

It is respectfully requested that the references cited in the enclosed form be considered pursuant to 37 C.F.R. § 1.97(c). Please charge deposit account No. 12-1095 in the amount of \$180.00 pursuant to 37 C.F.R. §.1.17(p). In the event that any additional fee is due in connection with the present request, the same should be charged to our deposit account No. 12-1095.

Dated: September 3, 2008

Respectfully submitted,

09/08/2008 HDEMESS1 00000046 121095 10784629
02 FC:1806 180.00 DA

By 
William A. Di Bianca
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LERNER, DAVID, LITTENBERG,
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PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

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September 3, 2008

Commissioner For Patents
Office of Initial Patent Examination
Customer Service Center
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Our File: SPINE 3.0-437 CIP CIP CIP CIP CIP CON V
Application No. 10/784,629
Filing Date: February 23, 2004
Group Art Unit: 3733

Dear Sir:

We are enclosing herewith a copy of a filing receipt for the above-identified patent application.

Please note that the filing receipt is incorrect. Please delete the priority data listed in the filing receipt and insert the following under **Domestic Priority data as claimed by applicant**:

This application is a continuation of 10/282,356 filed 10/29/02 PAT. 7,169,182
which is a CIP of 10/256,160 filed 9/26/02 PAT. 6,989,032
which is a CIP of 10/175,417 filed 6/19/02
which is a CIP of 10/151,280 filed 5/20/02
which is a CIP of 09/970,479 filed 10/4/01 PAT. 6,669,730 and 10/140,153 filed 5/7/02
and said 09/970,479 filed 10/4/01 PAT. 6,669,730
is a CIP of 09/968,046 filed 10/1/01 ABN
and said 10/140,153 filed 5/7/02 ABN
is a CIP of 09/970,479 filed 10/4/01 PAT. 6,669,730
and said 10/140,153 filed 5/7/02 ABN
is a CIP of 10/128,619 filed 4/23/02 PAT. 6,863,689
and said 10/128,619 filed 4/23/02 PAT. 6,863,689
is a CIP of 09/906,119 filed 7/16/01 PAT. 6,607,559
and said 10/128,619 filed 4/23/02 PAT. 6,863,689
is a CIP of 09/982,148 filed 10/18/01 PAT. 6,673,113



Commissioner For Patents
Office of Initial Patent Examination
September 3, 2008
Page 2

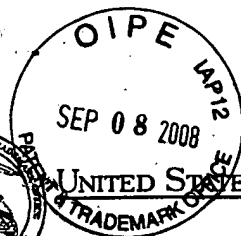
Kindly issue a corrected filing receipt for the above-identified application as soon as possible.

Sincerely yours,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

WILLIAM A. DI BIANCA
Reg. No. 58,653

WAD/kj
Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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 Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/784,629	02/23/2004	3738	385	F-273	18	20	1

CONFIRMATION NO. 8400

36402
 SPINECORE, INC.
 447 SPRINGFIELD AVENUE
 SUITES W2-W3
 SUMMIT, NJ 07901

FILING RECEIPT



OC000000012705074

Date Mailed: 05/19/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Joseph P. Errico, Kirkland, WA;
 Michael W. Dudasik, Nutley, NJ;
 Rafail Zubok, Midland Park, NJ;

Domestic Priority data as claimed by applicant

This application is a CON of 10/282,356 10/29/2002
 which is a ~~CON~~ of 10/256,160 09/26/2002
 which is a ~~CON~~ of 10/175,417 06/19/2002
 which is a ~~CON~~ of 10/151,280 05/20/2002
 which is a ~~CON~~ of 09/970,479 10/04/2001 PAT 6,669,730
 and is a ~~CON~~ of 10/140,153 05/07/2002
 and said 09/970,479 10/04/2001
 is a ~~CON~~ of 09/968,046 10/01/2001
 and said 10/140,153 05/07/2002
 is a ~~CON~~ of 09/970,479 10/04/2001 PAT 6,669,730
 and is a ~~CON~~ of 10/128,619 04/23/2002
 which is a ~~CON~~ of 09/906,119 07/16/2001 PAT 6,607,559
 and is a ~~CON~~ of 09/982,148 10/18/2001 PAT 6,673,113

Foreign Applications

If Required, Foreign Filing License Granted: 05/18/2004

Projected Publication Date: 08/26/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Instrumentation for manipulating artificial intervertebral disc trials having a cylindrical engagement surface

Preliminary Class

623

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

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Application Data Sheet

Application Information

Application number::	10/784,629
Filing Date::	02/23/04
Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	3733
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	INSTRUMENTATION FOR MANIPULATING ARTIFICIAL INTERVERTEBRAL DISC TRIALS HAVING A CYLINDRICAL ENGAGEMENT SURFACE
Attorney Docket Number::	SPINE 3.0-437 CIPCIPCIPCIPCIPCON V
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	Fig. 2c
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
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State or Province of mailing address:: NJ
Postal or Zip Code of mailing address:: 07432

Correspondence Information

Correspondence Customer Number:: 000530

Representative Information

Representative Customer Number:: 51640

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation of	10/282,356	10/29/02
10/282,356	Continuation-in-part of	10/256,160	09/26/02
10/256,160	Continuation-in-part of	10/175,417	06/19/02
10/175,417	Continuation-in-part of	10/151,280	05/20/02
10/151,280	Continuation-in-part of	09/970,479	10/04/01
10/151,280	Continuation-in-part of	10/140,153	05/07/02
10/140,153	Continuation-in-part of	09/970,479	10/04/01
09/970,479	Continuation-in-part of	09/968,046	10/01/01
10/140,153	Continuation-in-part of	10/128,619	04/23/02
10/128,619	Continuation-in-part of	09/906,119	07/16/01
10/128,619	Continuation-in-part of	09/982,148	10/18/01

Foreign Priority Information

Assignee Information

Assignee name:: SpineCore, Inc.

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Postal or Zip Code of mailing address:: 07901